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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,174	02/27/2004	Hiroshi Uehara	ED-US020791	4906
22919	7590	02/08/2006		
SHINJYU GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680				
			EXAMINER BINDA, GREGORY JOHN	
			ART UNIT 3679	PAPER NUMBER

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/787,174	<b>Applicant(s)</b> UEHARA, HIROSHI	
	<b>Examiner</b> Greg Binda	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Election/Restrictions*

2. Claims 19 & 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Aug 5, 2005.

*Drawings*

3. The replacement drawings filed Dec 19, 2005 are approved.

*Specification*

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, “a plate member being arranged is said opening [of the flange of the hub]”. See claim 10, lines 12 & 13.

*Claim Rejections - 35 USC § 112*

5. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1, line 11 recites the limitation “said plate member being arranged on said

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inner periphery supporting part [of the opening in the first rotating member].” Applicant has not pointed out where this limitation is supported, nor does there appear to be a written description of the limitation in the application as originally filed. There is no description of the plate member 162 being arranged on the inner periphery supporting part 164 of the opening 143 in the “first rotating member” 106 (see page 15, line 17).

*Claim Rejections - 35 USC § 102*

6. Claims 1-3, 7 & 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ball et al, US 4,787,612 (Ball). Figs. 1-5 show a first rotating member 17-19; a second rotating member 11 being disposed relatively rotatable to the first rotating member; an elastic member 28 that is compressed in the rotational direction when the first and second rotating members rotate relative to each other; and a plate member 52 extending in a rotational direction having main surfaces 55 facing in the radial directions, the plate member being configured to be pushed by the first rotating member in the rotational direction to slide against the second rotating member and to generate friction resistance during relative rotation of the first and second rotating members (see also col. 3, lines 45-54). In col. 3, lines 52-56 Ball discloses the plate member 52 is elastically deformed. In Fig. 1 Ball shows the plate member 52 is arranged on the inner periphery supporting part 54 of an opening 53 in the first rotating member 19 (see also col. 3, lines 47-51).

7. Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto et al, US 6,302,799 (Hashimoto). Figs. 1-5 show a damper disk assembly 1 for transmitting torque in a vehicle comprising: a hub 3 having a flange 65 having an opening (see “gaps” in col. 11, at

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the end of the line 33) ; a disk-shaped rotating member 2 being disposed relatively rotatable to the hub; an elastic connection mechanism 7 elastically connecting the hub with the disk-shaped rotating member in a rotational direction; and a damper mechanism 10 being configured to absorb and attenuate torsional vibration during idling of the vehicle, the damper mechanism 10 operating only within an angular range from a zero torsional angle  $\theta_1$  (see also col. 15, lines 47-56) smaller than the angular range  $\theta_1 + \theta_2$  within which the elastic connection 7 operates (see also col. 15, line 64 through col. 16, line 5). The damper mechanism includes an intermediate rotating member 18, 20 (see also col. 6, lines 63 & 64 and col. 8, lines 12, 13 & 67) relatively rotatable to the hub 3 within a limited angle  $\theta_1$  (see Fig. 2 and col. 7, lines 43-55), and a plate member 19, 78, 99 (which includes the elastically deformed member 78) being arranged in the opening of the flange of the hub and extending in the rotational direction having main surfaces 99 facing in the radial directions, the plate member being configured to be pushed by the hub 3 (see also col. 11, lines 28-37) in the rotational direction to slide against the intermediate member 18, 20 (see also Fig. 6 and col. 11, lines 48-53) to generate friction resistance during relative rotation of the hub and the intermediate member. Figs. 2-4 shows damper disk assembly further comprising: the intermediate rotating member 20 formed with a holding portion 73 having a groove extending in the rotational direction and having opposite openings in the rotational direction; the plate member 19 is disposed in the groove having a rotational length longer than that of the groove; and the hub 3 having a pair of contact portions (see also "gaps" at col. 11, line 33) disposed on each rotational direction side of the holding portion in the rotational direction, the contact portions are configured to contact ends 99 of the plate member 19.

*Response to Arguments*

8. Applicant's arguments filed Dec 19, 2005 have been fully considered but they are not persuasive.
- a. Applicant argues that Ball fails to show the claimed invention because it fails to disclose the first rotating part with an inner periphery supporting part. However, Ball does disclose in Fig. 1 and in col. 3, lines 47-51, the first rotating part 19 with an inner periphery supporting part 54.
- b. Applicant argues that Hashimoto fails to show the first rotating member with an inner periphery supporting part. However, the first rotating member is not recited as having such a part in the claims rejected as being anticipated by Hashimoto.
- c. Applicant argues that "additional prior art references were made of record". However, applicant fails to identify any such references. If applicant is aware of additional prior art references, then he must disclose them per his declaration.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period


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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda  
Primary Examiner  
Art Unit 3679